

Quid Novi

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QUID NOVI

3661 Peel Street
Montréal, Québec
H2A 1X1
(514) 398-4430
www.law.mcgill.ca/quid

Editors in Chief

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Pamela Shapiro

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Laurence Bich-Carrière

Cover Artist

Isabelle Cadotte

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IMPUTA...QUOI ?

par Caroline Briand (Law IV)
Co-Rédactrice en chef

Le gouvernement Harper a récemment annoncé des coupures importantes dans de nombreux programmes associés, à tort ou à raison, au règne libéral. Parmi les entités qui souffriront de cette gestion, on compte la Commission du droit du Canada, ainsi que le Programme de contestation judiciaire du Canada.

La raison, selon M. Harper ? Elle tient en deux points. Je paraphrase : « Ben là, à quoi ça sert de faire des lois, si n'importe qui peut en contester la validité ensuite. De toute façon, ce n'est pas comme si on avait l'intention de créer des lois inconstitutionnelles ».

Cette justification est troublante pour plusieurs raisons. Au mieux, elle reflète la méconnaissance qu'a notre Premier ministre de la mécanique juridique. Doit-on le rappeler, M. Harper est le premier... euh... *Premier* sans formation juridique depuis Lester B. Pearson...

Au pire, toutefois, elle illustre la mauvaise foi d'un gouvernement qui cherche à imposer une certaine idéologie, sans considération pour le respect des droits fondamentaux des citoyens qui en seront affectés.

Dans un cas comme dans l'autre, l'accès à la justice se trouve diminué, laissant certains groupes traditionnellement défavorisés, tels que les minorités linguistiques et religieuses, de même que les communautés autochtones, avec des ressources réduites pour faire valoir leurs droits. C'est que, dans notre beau et grand pays, ce n'est pas tout le monde qui a les moyens, comme M. Harper (voir *Harper c. Canada* (P.G.), [2000] 2 R.C.S. 764), de se payer une petite virée à la Cour suprême.

D'autre part, le fait de tuer dans l'œuf les contestations judiciaires handicape gravement le processus essentiel de dialogue entre les tribunaux et la législature. En tentant d'y couper court de façon aussi sournoise, le gouvernement de M. Harper rejette une des responsabilités les plus importantes de la législature canadienne, et perd, par le fait même toute prétention à un idéal d'imputabilité.

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

FIRING BLANKS

by Jeff Derman (Law IV)

Following the gruesome and tragic events at Dawson College in September there have been calls to renew the federal gun registry program.

Presumably, by registering ownership of guns we hope to reduce the likelihood of tragic deaths or wounds by firearms. However, there are some people who complain that the gun registry has been enormously over-budget and that for this reason, we ought to discontinue it. For my part, I think the ballooning price tag on the gun registration system is not really the issue.

With regards to the ballooning price tag, the problem was with the general competence, or lack thereof, in the Liberal Party of Canada. Their "management" of the Human Resources "billion dollar boondoggle" coupled with their "management" of the sponsorship scandal seems to indicate that an unjustified outflow of taxpayers' money has more to do with the Liberal Party than with a registry aimed at controlling the possession of firearms *per se*.

As far as the intentions are concerned, I think the gun registry was aimed at a serious problem that really ought to be managed by a civilised society. However, the idea of a gun registry always seemed to me to fail a "logical connection" test. The proposed logic appears to be that a nationwide database of gun owners, coupled with some (even enforced?) guidelines about how to store firearms under lock and key, would in some way prevent the improper use of firearms. Specifically, the gun registry should work to stop crimes of the kind suffered at Dawson College.

But how? To my mind a registered weapon is no less dangerous than an unregistered weapon. To quote Jeff Buckley, it seems "useless like cops at the scene of a crime". The damage is done. If a registry really does something to prevent the use of weapons, why don't we simply "register" the nuclear weapons in Iran or North Korea?

To be fair, I grant that after the fact it may be useful or interesting to find out where particular

weapons were sold or who owns the firearm. Perhaps it would be helpful in prosecuting criminals or in making connections between various individuals linked to crimes. But it would do nothing to prevent the kind of madness witnessed at Dawson. Besides this, it seems to me highly likely that "hardened" criminals bent on the use of firearms would smuggle their own guns without registering them, or would be clever enough to use a generic type of weapon that would render it adequately difficult to track them down even if they did legally buy and register their gun in Canada.

If our concern is really to prevent the type of tragedy witnessed at Dawson, I suggest we reconsider the traffic of firearms among our civilian population. We would consider it madness to sell hand-grenades, machineguns, or landmines in local arms dealerships. Yet we seem to accept the economy of rifles and handguns. Ostensibly handguns and rifles have some purpose in civil society that machineguns and hand-grenades don't.

But what?

Some would argue that hunting is a legitimate use of rifles and that farmers sometimes need rifles to ward off coyotes, bears, or other wild animals. Perhaps. I must admit that I find even these arguments somewhat unconvincing. There may be other, more skilful ways of killing bears. If I recall, in the Old Russian society they did it with shrewd timing and large knives or spears. Perhaps it is only fair to give the wild animals a fighting chance or else leave them alone.

In any case, I can see no comparable excuse for allowing firearms among the civilian population in cities and towns. In my mind, their only "uses" are either illicit or marginal. The suggestion that some people use guns for target practice at a shooting range seems to me a very weak justification. There are other ways to practice "aiming" among which I would include the majority of the team and individual sports that we watch on television. Basketball, tennis, baseball, etc. all require some measure of precision

"aiming". The argument for "aiming with guns" might just as well be applied to various other instruments of war, yet we do not justify personal possession of these things. Aside from organised target practice, firearms seem mainly "useful" in various crimes and gang warfare.

Some people, especially in America, seem to consider the fear of corrupt government, corrupt army, or of some surprise invasion by an enemy force as justification for citizens to possess personal weaponry. To the degree that this is in any way a reasonable line of thought, I suggest that we ought a fortiori abandon

our personal weapons and implicate ourselves in the political processes of our own country, and the world, to ensure that nothing of the sort should come about.

The answer to the "cold war" between citizens is not to keep detailed accounts of the massing weapons that we possess,

but to lay down our arms. A logical response to the threat of random acts of violence with firearms is not a gun registry, but an abdication of the "right" to own guns.

HOW TO BECOME MINISTER OF REVENUE WITHOUT REALLY TRYING

by Professor William Tetley, Q.C.

When Robert Bourassa, the Quebec Liberal Party leader, became Prime Minister of Quebec for the first time in April 1970, the 71 Liberals who had been elected with him hoped to go into the Cabinet, but there were only 23 cabinet seats. We all sat by the telephone and waited for that important phone call and eventually the phone rang about midnight and I was asked if I could come to Quebec to see Bourassa. I said I thought I could and drove off madly to Quebec City.

I had first been considered for the post of Minister of Municipal Affairs, but Mayor Jean

Drapeau of Montreal opposed, because years before as an alderman in Town of Mount Royal, I had opposed his rubber-tyred Metro. I had publicly pointed out that the rubber tyres although quieter and smoother, could not go outside in summer and winter and therefore could not cross the St. Lawrence River on bridges and would require expensive tunnels. (This has since been proven correct – witness the enormous cost overruns and delays of today's East End extension of the Metro under the River to Laval.) Drapeau's own public enquiry on the question had also recommended the steel-tyred system which exists in

Toronto and elsewhere. Drapeau, however, was undeterred, having been promised by Michelin, the French rubber-tyre manufacturer, that it would build a factory in Montreal, but they eventually built in Nova Scotia.

I had then been considered for the Ministry of Public Works, but former Prime Minister of Quebec Jean Lesage opposed. He had not been happy with my position (taken with others) that he should submit to a leadership campaign after the defeat of his government in 1966 and presumably wanted someone more amenable to him in the Ministry which awarded

government contracts.

(All this to show that in politics, if you really want to get ahead, you stand back and allow other persons to take the difficult public positions, even if it means that you are not making much of a contribution to society and that you are willing to sacrifice some of your self-respect. A few years later, however, I made it up with Drapeau and Lesage and we got along well thereafter – an example of what often takes place in politics.)

I was therefore offered the Ministry of Revenue and I accepted with pleasure. It was a challenge because we were putting in a computer system to handle all taxes including income and sales tax. We were ahead of all the other provinces and even the Federal government, but the Restaurant Meals' tax collection had been put into operation without a back-up plan. When it floundered, we lost about

\$7 million a week, which was virtually unrecoverable. The Associate Deputy Minister (I'll call him "Frédéric", known to all as "Fred") did not tell me of the fiasco, but constructed a cover-up, until I discovered it on my own. We went into damage control and put in back-ups in all sectors. I then fired Fred and later Bourassa phoned me up and noted that I had dismissed Fred. I explained why and Bourassa made no comment. I later

learned that only the Prime Minister may hire and fire deputy and associate-deputy ministers. Fred went to the Ministry of Social Affairs of which Claude Castonguay was Minister. Two years later when as Minister of Financial Institutions, I was looking for staff, Castonguay asked if I needed a new Associate Deputy-Minister. Unknown to me it was Fred, but he did not come to the interview and instead chose to go into university teaching.

In October 1970, Bourassa asked me to be Minister of Financial Institutions, but that is another story. In 1975 he eventually did name me as Minister of Public Works and also of Supply, with task of cleaning up the Ministry, if and where it was required, and I introduced a system of open public tenders.

William Tetley, Q.C., was a Liberal Member of the Quebec National Assembly and Minister in the

Bourassa government from 1970 - 1976. He is presently a professor, of McGill Law Faculty and Counsel to Langlois Kronström Desjardins.

Email: william.tetley@mcgill.ca
Website: Website
<http://tetley.law.mcgill.ca>

JUST IN CASE OCIS WERE GETTING YOU DOWN...

by Caroline Briand (Law IV) and Julien Morissette (Law III)

Directly from the World Wide Web, here are a few light-hearted things that might help you feel better about the ups and downs of the recruitment process.

Roll Your Own Rejection Letter Toilet Paper

<http://www.lulu.com/tp>

This company offers to print your rejection letters on "hearty two-ply, facial-quality" toilet paper. You can put those negative recruitment experiences behind you for the modest sum of \$90.

Overheard in Law School

<http://overheardinlawschool.blogspot.com>

Just another incarnation of the "overheard" trend in blogs. Basically, law students from unidentified law schools – presumably in the U.S. – submit quotes that they have overheard in class, around campus, at work, or in the context of the recruitment process. As is the case with many blogs, the quality – and tastefulness – of the postings is not always consistent, but

it will perhaps make you realize that you're not alone in your situation.

Cute Overload

http://mfrost.typepad.com/cute_overload

OK. This one is not law oriented. In fact, it doesn't have anything to do with recruitment. But – what the hell – it's guaranteed to make you feel better. As a matter of fact, it's addictive. The principle can be stated thus: cute pictures of cute animals in insanely cute situations. It is strongly advised that you not browse this website in

class, as common side effects include frequent head tilting, tell-tale smiles, watery eyes and unconsciously going "aaaahhnn!" out loud. Specifically, individuals with marked preferences for certain types or breeds of animals should avoid such concentrations of cuteness. Namely, Prof. Sklar should avoid the "Pups" section at all costs as he might lose consciousness or experience mild seizures due to the over-representation of pugs.

LA NATION QUÉBÉCOISE D'AUJOURD'HUI

par Myriam Couillard-Castonguay (Law II)

Le Québec est pour moi une nation diversifiée mais unie d'une façon particulière et inspirante. J'ai un grand amour pour la société québécoise et ses diverses facettes, son histoire et surtout son futur. Montréal est pour moi la plus belle représentation d'un amalgame harmonieux de cultures, de gens et de langues. Comme disait une de mes amies récemment, «Montréal est bien le seul endroit sur la terre où les mendiants nous proposent la quête 'bilingue'». C'est vrai et c'est beau (c'est pas beau que quelqu'un quête, là, c'est juste l'illustration du concept qui est beau).

La Loi 101 a donné au Québec et à sa langue une chance de grandir, ou du moins de se préserver, dans un monde de plus en plus américanisé et mondialisé. Elle encourage non seulement les immigrants à apprendre le Français et à s'intégrer à la société québécoise, mais également aux Québécois à s'épanouir dans leur propre identité.

J'ai été profondément choquée de lire l'article de Jan Wong, paru dans le *Globe and Mail* du 16 septembre dernier, sur les attentats de Daw-

son et leur corrélation à la situation linguistique et culturelle au Québec. Le lien me semble nébuleux entre la Loi 101 et des hommes malades au point tel de tuer des étudiants et/ou des collègues innocents (Valéry Fabricant, Marc Lépine et Kimveer Gill).

De dire que ces hommes se sentaient peut-être rejetés de la société est une chose. De dire que la situation linguistique au Québec peut causer des difficultés d'adaptation à certains immigrants en est une autre. Mais d'associer ces deux affirmations en traçant un lien entre des meurtres gratuits et des politiques sociales visant la préservation d'une langue, c'est pour moi complètement absurde. Je trouve sain et justifié qu'une nation se dote de mécanismes visant à sauvegarder sa langue. Je ne suis pas immigrante, mais j'ai été étrangère dans un autre pays et j'ai trouvé normal de devoir apprendre une autre langue et de devoir me conformer à certaines normes. Je me sentais même chanceuse d'avoir une telle opportunité, et non bafouée dans mes droits ou victime d'une politique discriminatoire.

Certes, un immigrant peut se sentir quelque peu exclu, mais je crois que si on immigré dans un État, c'est parce que a) on le veut bien (et on est donc prêt à accepter ce qui vient avec) et b) cet état nous présente une meilleure qualité de vie que notre État d'origine (et alors cette meilleure qualité de vie compense en quelque sorte pour le sentiment d'exclusion).

Madame Wong faisait également référence au concept de 'pure laine', expression utilisée par les Québécois pour désigner un Québécois 'de souche', donc un citoyen qui aurait grandi au Québec, de parents Québécois et s'identifiant à la culture Québécoise. On peut difficilement définir clairement en quoi consiste un ou une 'pure laine', mais on peut s'entendre sur le fait qu'un tel concept inclut une idée de pureté, qui tend à mettre de côté les impurs, les 'bâtards'. Wong va même jusqu'à affirmer que cette identité est promue encore aujourd'hui au Québec. Ceci me choque vraiment, car grâce entre autre à la loi 101, la nation québécoise a grandement évolué, et inclut maintenant tous les citoyens de notre

province. Notre nation est riche de sa diversité, de sa langue, et n'exclut personne sous prétexte d'une impureté ethnique, raciale, ou un accent qui s'éloigne moindrement du français québécois. Le concept de 'pure laine' me semble parachuté maladroitement par Wong. Ceci démontre son ignorance des profonds changements sociaux et identitaires qui ont eu lieu au Québec depuis près d'un quart de siècle.

Je conclus en faisant valoir que je suis parfaitement consciente que le contexte linguistique québécois peut être difficile à accepter pour certaines communautés culturelles et même pour certains québécois 'pure laine' (veuillez excuser l'expression) et que je ne suis aucunement insensible au sentiment d'exclusion auquel peuvent faire face certains groupes. Toutefois, en tant que citoyenne de cette nation, je suis si fière de la société harmonieuse et bilingue – voir polyglotte – que nous avons, que je trouve bouleversant de voir une telle réussite associée aux tueries ayant malencontreusement eu lieu à Montréal.

THE SUNSHINE ARTICLE

by Ali Glaser (Law II)

I have a guilty secret: I love junk T.V. This love affair has existed since my He-Man and Carebear watching days, but was cemented during the two years that I lived in England. Now the United Kingdom's greatest achievement is not Shakespeare or Chaucer, but junk/reality television. Despite the fact that I had only five channels to watch, there was always something on that was worth watching. Besides all the awesome BBC documentaries, there was generally some kind of fun reality show on. My favorites were the housing programs where Brits would sell their tiny London flats for ridiculous amounts of money and then they would buy a chateau somewhere in France or Spain. Inevitably these people would run into problems of the following varieties: they didn't realize that getting a job would require them to speak French/Spanish; they signed contracts in languages they did not speak and it turned out badly; the people they hired to work on their houses took advantage of them basically because they were dumb. I cannot describe

how awesome these shows were.

Now, another variety of T.V. show I love is the primetime serial. I need to watch about an hour of T.V. a night, so I can settle myself down and have an hour where I do not need to engage my brain cells. And what great junk there is to watch! There is literally some form of CSI on at any hour of the day. The same goes for Law and Order (although this has become less relaxing since my husband is constantly asking me questions about the show, like "is that right?" or "would they really do that?"). Then there's House, which I love even though the show is pretty much the same every week. There's also Grey's Anatomy, which is one of those shows that people pretend they don't like in order to feel superior to everyone else. But I think that, secretly, most people love it because it is just so good!!!!

Finally there is 24. I am a die-hard, turn-the-phone-off, will-break-engagements-with-people-to-watch-it fan of 24. It started in season two, when a friend of mine asked me to record the season pre-

miere because she had forgotten to set the VCR. My dad and I decided to watch it and we were immediately hooked. Then I moved to England and my husband and I watched the other seasons on DVD. Watching 24 on DVD is a dangerous pastime. You get to the end of an episode and, like a heroin addict, swear that you will watch "just one more" and before you know it, four hours have gone by. It is not a pretty picture. My love affair with 24 survived even through season 4, which sucked. It is still going strong after the awesomeness of season 5. Can't wait for the new one to begin...

I also love watching T.V. in groups. In fact, I prefer it that way. T.V. can be a little bit alienating, and I always have this nagging guilt like I should be doing more productive with my time. But when you watch in a group, it becomes a social activity full of commentary and laughter. I watched pretty much all of Buffy the Vampire Slayer (which is brilliant, I don't care what anybody says) with my whole family and we still share jokes from the

show. When I watched the O.C. (which wasn't that often) it was with a group of friends and we had so much fun yelling at the screen "Marissa, eat something"!!! And these days I'm watching Grey's Anatomy in a group, which is great because we get to laugh, make fun of cheesy dialogue, and go "awww" all together. A perfect bonding experience.

So why am I blabbing on and on about this? Well, a lot of people feel reluctant to allow themselves to chillax and do something brainless for a bit. They feel that they should be doing something more worthwhile, like studying or marking their Civil Codes with multi colored post-its (ok, ok, I know that I did that last year. But it looks so purty...). Well, I say boo to that! To all you nay-sayers who poo poo junk T.V. I say that you are missing out. Embrace the Cheese. Life will be better for it.

I also fail to see how "direct and participatory democracy" can benefit from restrictions of a liberty as inherent to any democracy as that to speak one's mind. I also

don't understand how, while denying those who do not to share your beliefs the possibility to communicate, you can claim to want to provide us "means for self-determination". I couldn't help but feel that the description of yourselves that you provided to the LSA is inaccurate, to say the least.

I asked myself other questions about your motivations, but I failed to come up with any answers, so I will now ask you. Do you think you can't possibly be wrong, so preventing others from expressing their views doesn't deprive the society of any useful information? Or do you think that you are so wrong that the only way your theories will be believed is for all others to be silenced? Are you claiming to have been anointed as arbiters of truth, and if so, by whom? Or do you simply hold us in such contempt that you don't trust us to arrive to the correct conclusions if competing positions are allowed to be taken? And finally, if the answer to all of these questions is negative, why are you calling on students to deny someone his right to speak and others a right to hear what he has to say?

RADICAL DOGMATISM: AN OPEN LETTER TO THE MCGILL RADICAL LAW COMMUNITY

by Léonid Sirota (Law II)

We can never be sure that the opinion we are endeavouring to stifle is a false opinion; and if we were sure, stifling it would be an evil still.

John Stuart Mill

Dear members of the McGill Radical Law Community,

I was shocked and disturbed when I saw the following ad which you "endorsed" in the Notice Board of September 22nd:

It was disquieting to realize that in this democratic country, within an institution that is supposed to advance the values such as respect, open-mindedness, and freedom of expression, there could still exist a "community" advocating suppression of an opinion

it disagrees with. I began to wonder what had pushed you to reject these democratic values in favour of what to me looks like totalitarianism.

Looking for an answer, I found the description of your organisation on the LSA's website. I was not very helpful. You write there that you "resist liberal legal discourse and challenge accepted norms in legal theory and practice in so far as they maintain and re-create relationships of domination and subordination in society." You further purport to "embrace modes of social organization based on direct and participatory democracy that provide the means for self-determination and grassroots

empowerment."

Of course, freedom of expression and preference for debate over dogmatism lie at the heart of 'liberal legal discourse'. Yet is this reason enough to reject them in favour of a dogmatism that denies other people the right to publicise opinions with which you disagree? One wouldn't think so from reading your statement, unless you can explain how affording every opinion an opportunity to be heard "maintain[s] and re-create[s] relationships of domination and subordination in society." I might be utterly brainwashed or simply stupid, but it seems to me that such debate has exactly the opposite effect.

LAW LIMERICK III

by Francie Gow (Law III)

There was a law student named Roark
Who wanted to work in New York
His ambitions were scuppered
At the interview supper
His crime? He had used the wrong fork

IT'S SOOO GOOD TO BE BACK

by Ryan Kirshenblatt (Graduate Student)

This McGill ID is my fourth different student card. You'd think I'm the child of some military officer, constantly relocated and always the new kid in school. Truth be told, I am a new kid in school. You may have seen me wandering the halls with a backpack and university sweatshirt, that look of enthusiasm and bewilderment beaming from my face. Typical first year law student, right? Wrong. New transfer student? Wrong again. It's just your friendly neighbourhood graduate student. The label is still sinking in. Master of Laws. I can't even master cleaning my apartment.

I asked to write for the Quid this year to lend a slightly different perspective. I know every columnist thinks this. Chances are you've heard plenty of off the cuff advice from upper year students on how to handle first year or law firm interviews, and from the radicals permeating the building, how Bay Street is the seventh circle of Hell and you should be doing public interest work.

Go ahead. If you don't mind a 60-year mortgage and student loans sleeping beside you every night then by all means fight the good fight.

So where do I get off offering advice? For what it's worth, I've been out there. Not only am I Ryan Kirshenblatt, LL.M., but I'm also Ryan Kirshenblatt, Barrister and Solicitor. Law school, articling, Call to the Bar, and lived to tell about it. Though I wasn't out for long, I was for long enough to see things relevant to your immediate future as a law student and eventual articling student. They don't tell you everything here. Remember the soldier in the movies who escapes POW camp with torn clothes and makes it back to land mumbling hysterically about the horrors he saw? Now you get the idea! Relax. It's only half-true. My clothes weren't torn.

How happy am I to be back in school? Oh, you naïve students. I can count on both hands and feet the number of times I heard "welcome back" at the first Coffeehouse in some

drab tone connoting that law school is an ordeal and the good life is awaiting you in law firm towers. Sure it is. When you make partner. I was literally dancing out the office on my last day of articling, offer declined. I'm just one of those people that turned it down to take a little time out for me. Public Interest Renegades take note: Bay Street doesn't swallow everyone whole.

The first time I was accepted to law school I was thrilled. The second time I was accepted to law school I was freakin' delirious. I don't think you know just how good you have it. Stay here. Stay where it's safe. Stay as long as you can. Do an LL.M. if you have to...I know I am!

Just a year ago on a day like today, I was in a suit. A suit. No backpack. No shoulder bag. I had to go to work. Those italicized words had no colour to them, no content, until I started articling. Fast-forward to one year later and my day ends at 10:30am. It's bliss. I have Wednesdays off and sleep in six days a week!

There's cheap beer every Thursday! I even almost won the limbo contest. At least the winner shared the rum. A drink in both hands at 5:30 on a Thursday. It's Fantasy Camp for lawyers.

Things have changed though. I've returned with a slightly different attitude about my studies. There's less of the pressure undergrad law students are accustomed to. Having worked late and against unreasonable deadlines makes academic life seem more manageable. I can learn for the sake of sheer enjoyment and not for the sake of a transcript. That's important because your chances to learn the scholarly side of the law often dissipate when you begin working. Sure the theory part gets dry at times, but I think a chunk of you will miss it when you're gone. It adds depth and perspective to what you're doing for a living and is partly what separates you from those in other fields. For those graduating this year, you may have realized it already. For those with time to go, I hope you'll take something from my columns from time to

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time. Hopefully I can pass something on. The Faculty was kind enough to admit me, so the least I can do is contribute some advice. How's that for pro bono?

Thoughts on school, on work, on career—it'll all be canvassed here in a totally closed forum that is

strictly my opinion, musings, and speculations. The perspective gained during those long articling nights with the photocopier is astounding.

You just need to go into these things with your eyes open. I'm not here to tell you what to do. As you've learned or will learn in law school, there

aren't many right answers. I am here to suggest what to keep in mind when you're doing it.

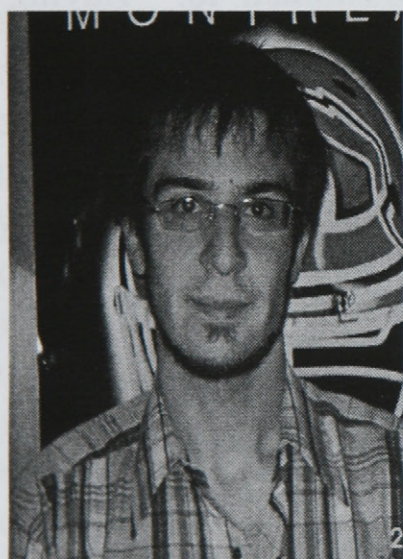
So for better or worse, I'm here at the Faculty for the next year and a half. Sure I could finish by August but who wants to go to school in the summer anyway? While I'm here,

I hope to answer questions, offer some guidance, enjoy Coffeehouse and somewhere in between give you a sense of the lighter side of what's waiting for you upon completing your "trans-systemization." Is that word hyphenated? Always stuff to learn at a

FALL ELECTIONS

CANDIDATES FOR FIRST YEAR CLASS PRESIDENT

ALEXANDRE FOREST

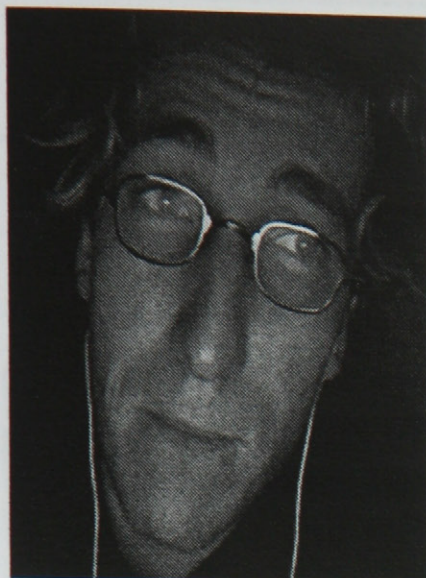


Implication. One word which imply thousands of different interpretations. Pour ma part, mon implication fondamentale, celle pour laquelle je me donnerai corps et âme si les étudiants acceptent de m'accorder leur confiance, est politique. But why should you trust me, a young law student, freshly out from CEGEP and as new as you in that strange but thrilling world of Law? Durant mes années collégiales, j'ai eu un contact plus intime avec la politique en tant que vice-président de l'association étudiante. This experience showed me that, to be a good representative, you must fight to death to defend the ideas which you know would be beneficial for the student population. Je pense avoir la verve et la détermination nécessaire pour être le mieux placé afin de défendre vos intérêts devant l'AED. Each time you will entrust me a problem or a complaint, I will defend it as if it was my own. En fin de compte, vous ne pourrez tout simplement pas trouver de candidat qui a, autant que moi, la cause étudiante tatouée sur le cœur.

ROBERTA HARTHEL-CÔTÉ



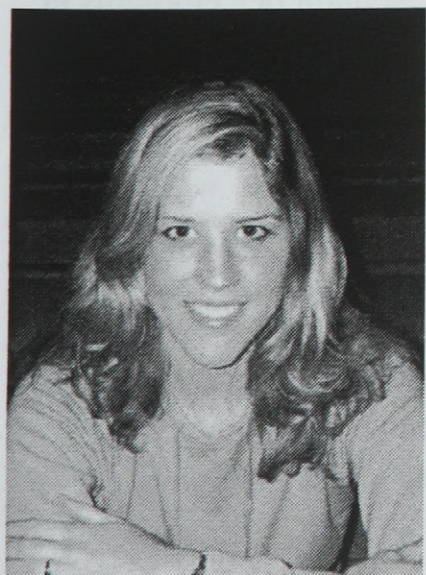
Dear fellow colleagues, My name is Roberta Harthel-Côté and I am running for First Year Class President. With many cases of student opinion being overlooked and students being misinformed, it is increasingly important for the student body to have a strong representation at the executive level. My background in Psychology, and my experience in student advocacy and counseling, has made representing students' needs a priority for me. I have counseled and advocated for different populations (including minorities, LGBTQ, women, victims of abuse, the disabled, etc.) and I am not afraid to say it like it is. Indeed, I believe I am best suited to support and represent you. I encourage you to come to me with any issues that concern you. I am accessible, approachable and poised to take on anything first year law students' experience has in store. I promise to do my utmost to work toward our goals because I care!

DAVID HETI

Hello Quid Novi readers, especially those of first year law, who are eligible to vote for the position of first year class president. First off, I apologize if any of the following comes off as clichéd. If, in fact, that happens to be the case, please be assured that it does not stem from any such apparent disingenuousness. Basically, I think that the combination of the size of our faculty and the simply ridiculous amount of time we'll probably be spending together over the next several years, really lends itself to student life participation with the potential to be more fruitful than fruitless. Theories of government aside, I'd essentially like to help form an understanding of what the grade wants, and then realize this. I think this would require a lot of communication – both formally and informally – and cooperation. Even though this is a position which entails working within a pre-existing association, I don't have a great veneration for institutions as such, and I think that might be refreshing. Thanks for your time.

HUGH MEIGHEN

Hello! Mon nom est Hugh Meighen et je me présente pour la poste de président de première année. Je suis ravi d'être membre de la Faculté et j'ai hâte à améliorer la qualité de vie étudiante. As a representative for 1L, my goal would be to properly communicate the common concerns and inquiries from our class to members of the Faculty administration and the LSA. I also hope to play a role in planning special events for our year, both within the Faculty and around the city. Hopefully, this will make the Faculty a better place to work and study for everyone. Not convinced yet? Let me throw some figures at you: 34%, 64%...and 80%. I think the numbers speak for themselves. Vote Hugh.

LISA SMITH

CANDIDATES FOR FACULTY COUNCIL

ALAN BROWN

Why vote for me? As a graduate student, I served my colleagues as Class President. Later, as a Faculty member, I fought for students to be included in all areas of campus governance. I therefore feel qualified to act as a bridge between the concerns of the students and the constraints facing the Faculty. With experience in budgeting, curriculum, diversity issues, and student life, I bring a unique set of skills to the Faculty Council. *Pourquoi est ce que je voudrai agir comme votre représentant?* A cause de votre diversité et vos talents. Nous avons tous quelque choses à nous offrir...des perspectives fraîches de ceux et celles qui nous arrivent du CEGEP, jusqu'à l'expérience de ceux et celles qui ont déjà eu des carrières dans les secteurs privés et publiques. Il me fera un grand honneur de vous représenter, avec le but de faire notre expérience ensemble à McGill la meilleure possible. *The secret for our success?* Innovation, reform and service.

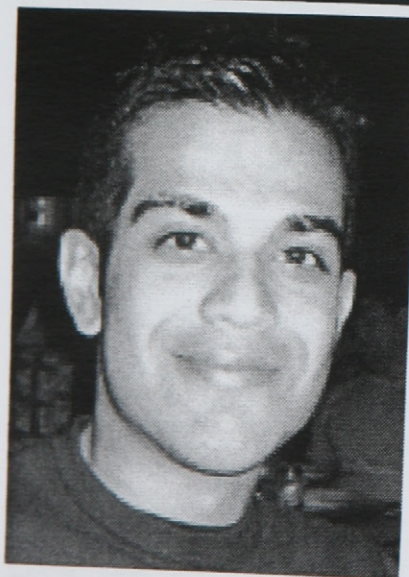
TED DOVE



Hi, my name is Ted Dove and I'm running for Faculty Council representative. Though only a first-year student in the Law Faculty, I am not new to McGill – I am a recent graduate from the Faculty of Arts and am fully familiar with the structure of student societies, faculty associations, and university administration. While completing my B.A., I served as Speaker of AUS Council and sat on the Multi-Track Program Review Committee, which sought to evaluate the Faculty of Arts multi-track program.

I am running for Faculty Council because I am keenly interested in instituting changes in the Faculty that students want. I am confident in representing the desires of McGill's law student community. Whether this means encouraging greater transparency of the grading system or promoting a healthy balance of academic and social affairs, I'd like to make this year as productive and informative as possible.

ALI KHAN

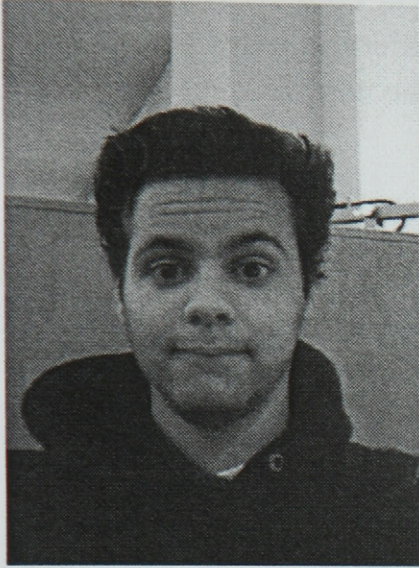


"Salut! C'était avec grand plaisir que je me présente au poste de représentant des étudiants et étudiantes sur le Conseil facultaire. J'ai complété mon baccalauréat bilingue en psychologie à Toronto, au Collège universitaire Glendon et à York University. I bring to McGill Law a solid portfolio of experience in student representation. I have served as Chair of the student caucus of Faculty Council at Glendon College, as Student Associate of the York University Faculty Council, and as Director of academic affairs within the Glendon College Student Union. De plus, j'ai agit comme représentant des étudiants sur divers comités du Conseil facultaire, dont ceux sur les programmes d'études, les pétitions, le bilinguisme et le recrutement. I do know, however, that experience isn't everything. J'ai plus qu'un CV! Je suis une personne qui s'engage avec passion. J'aimerais contribuer au gouvernement étudiant en y partageant mes compétences, surtout en trouvant les meilleurs moyens pour nous défendre comme étudiants et étudiantes. Representation on Faculty Council is a privilege we hold as students. Join me in ensuring this privilege is not taken lightly!"

LILLY LO MANTO

JAMES NEWMAN

JOHN OSTREGA



Hello fellow law students! My name is Jon Ostrega, and I am running for Faculty Council for the upcoming academic year. After having endured the excitement of first year, I am now looking to get involved in Faculty life in a meaningful way. I have a sincere passion to help make this Faculty a more pleasant – and fair – environment for both students and faculty members alike. Given that Faculty Council decisions are so crucial to the Faculty as a whole, I hope devoting my energies there will benefit everyone.

Throughout my undergraduate career, I served on the ASFA11 members of the Faculty of Law community. In sum, my passion and experience make me a great candidate for Faculty Council. Vote for me, Jon Ostrega.

RACHEL SÉVIGNY



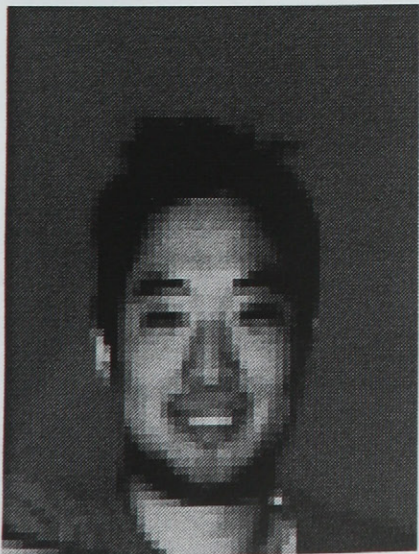
Hey Everyone!

I would really like to be a student member of the Faculty Council and serve on the Faculty and LSA Council! Do what's best for you!

Thank You!

Rachel Sevigny

JULIO SONG



As a body that makes decisions pertinent to our education, it is essential that the faculty's ideas and actions are well reported. If elected, it will be my personal mission to ensure the transparency of the faculty through open and honest dialogue with student associations, faculty members and individuals. I will do my best to represent the student voice at the faculty council. I am very interested in learning about your concerns, and I would be more than happy to express them to the council. Je souhaite dévouer mon mandat au renforcement des capacités de représentation étudiante du conseil de la faculté. Pour ce faire, je serai à l'écoute des idées et des besoins divers, afin de les transmettre adéquatement. Je crois que nous pouvons comme une faculté prendre plus d'actions pour faire en sorte que notre communauté académique soit plus bilingue et ainsi accroître les échanges entre étudiants des deux langues.

Please vote Juho Song for Faculty Councillor. Merci bien!

JANAID SUBHAN

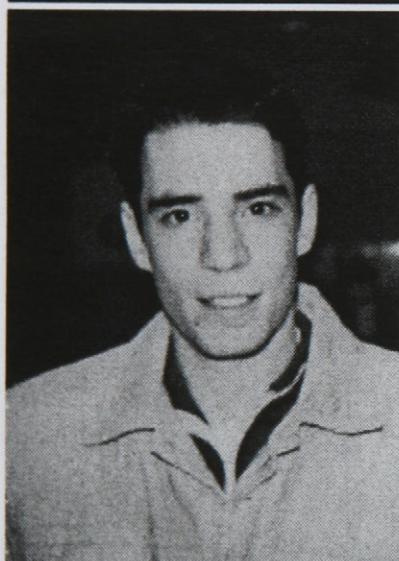


Dear Voters, I have 150 words to persuade you to vote for me and I just wasted 15. The bottom line is that I don't need all 150 because I can only make one promise to you: to do my best to represent our collective opinions to the Faculty Council.

I can only make this one promise because of the nature of the work (I've done the same thing in undergrad for four years); I don't think it's wise for me to promise you X, when X requires the cooperation of many things that are out of my control. What I can do though is put forward the questions that concern us (Are we satisfied with our upper year course offerings? How can students more actively engage in academic research? Can undergraduates access the Gelber library after-hours?) and make sure that we are satisfied with the answer.

Sincerely, Junaid

BRUCE SHEINER



Why Vote for Bruce Sheiner to join the faculty council? The obvious reason is because you really want to. But just as there are many layers of Bruce Sheiner, there are also many reasons why he should be elected to Faculty Council. For the first years, he was the best darn pub-crawl leader. For the second years, you know that Bruce Sheiner has a love hate relationship with each and every professor. For the other upper years, you know his ability to stay quiet in library is a skill that is easily transferable to the Faculty Council. Why vote for Bruce Sheiner to join the faculty council? Because it is the right decision.

My name is Bruce Sheiner and I have approved this message

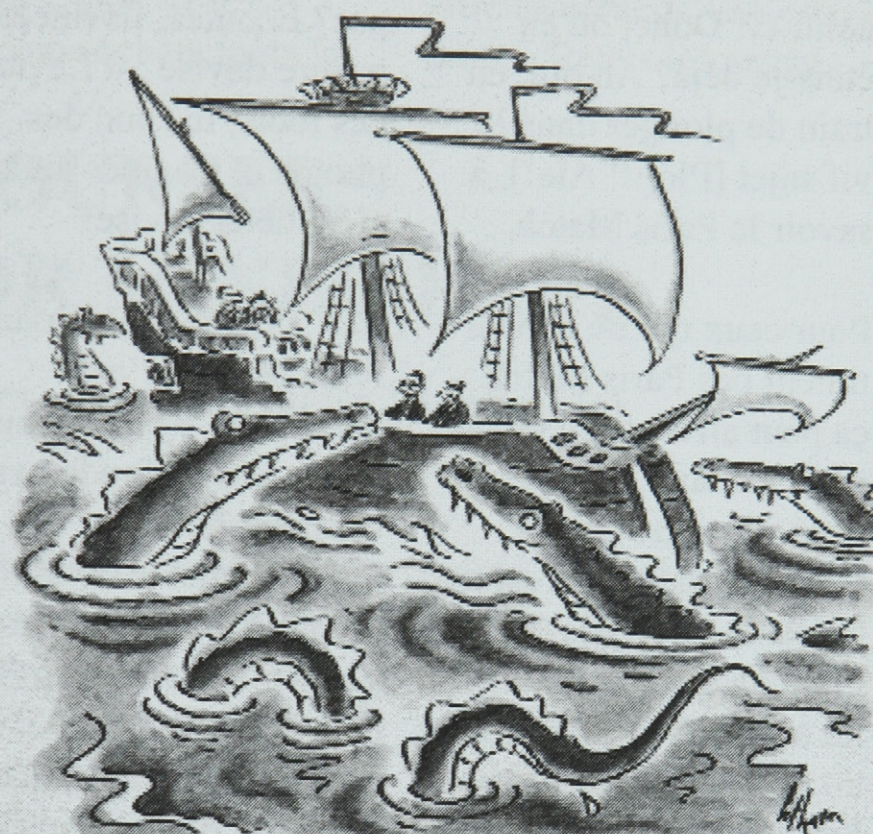
DANIEL VASS JANKOVIC



We want your votes!

Elect your First Year Class President and Faculty Council Representatives

TODAY!



"Okay, time to put some of that BLG training to work."

FROM THE MOMENT YOU ARRIVE AT BLG WE WILL PROVIDE YOU WITH THE TRAINING THAT WILL HELP YOU TRANSITION INTO THE PRACTICE OF LAW. WE ARE COMMITTED TO ENSURING YOU GET THE LEGAL SKILLS AND KNOWLEDGE YOU NEED TO NAVIGATE THE WATERS OF PRACTICE. TO FIND OUT MORE, VISIT US AT WWW.BLGCANADA.COM/NEWLAWYER OR CONTACT ANY ONE OF OUR STUDENT RECRUITMENT DIRECTORS.



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LES VERTUS INSOUPÇONNÉES DE PARIS

MATCH

par Marguerite Tinawi (Law II)

Nos deux éditrices en chef ayant émis le souhait de faire une plus grande place au Français dans le QUID cette année, il est grand temps que je vous serve un peu de ma prose. Car c'est beau le

Français, vous trouvez pas? Moi si. Pensez à Hugo, à Rabelais, à Racine... à François Pérusse même! Ils ont légué à l'Humanité des lingots de mots, de figures de style, de phrases, de syllepses... Rien que d'y penser, j'ai envie de dire merci à la vie! Bon, d'accord, ça fait un peu présomptueux de prendre la plume après une telle énumération de grands Maîtres, mais j'assume parfaitement. Et puis de toute façon, moi aussi, un jour, je serai maître, na! Enfin, tant que le Barreau ne s'y objecte pas...

Après cette introduction inutile, je vous propose maintenant de plonger dans le vif du sujet, qui, soit dit en passant, n'est pas moins inutile. Dans le fond, il eût été plus judicieux d'écrire « qui est tout aussi inutile », mais qui parle d'être judicieux ici, hein? C'est déjà re-

marquable d'avoir su ploguer un subjonctif plus-que-parfait dans un article aussi peu utile que celui-ci! Donc, où en étais-je déjà? Ah oui, en train de plonger dans le vif sujet [Plouf! Aïe!], à savoir le Paris Match.

Pour ceux qui ne connaîtraient pas Paris Match – ça peut arriver, personne n'est parfait – voici, en deux mots, de quoi il s'agit. Paris Match est un magazine français (de France), traitant d'actualité et fondé en 1949 par un type bizarre, Jean Prouvost. Je dis bizarre, parce que ce type était, selon sa biographie, industriel du textile. Or il s'est retrouvé à fonder deux magazines et un journal. Rapport avec le textile? Pas gros à mon avis. C'est un peu comme faire des études en droit et se retrouver gérant d'agence de voyage. À part pour mon collègue Dodd, je ne vois pas comment ce genre de truc peut arriver... [aparté] Nick, pour te rassurer, je suis moi-même atteinte de Wanderlustie... Enfin, pour en revenir à Paris Match, la dernière info d'importance que vous

devez retenir, c'est que ce magazine, c'est une Véritable Institution Média-tique. Vous ne me croyez pas? Écoutez, ils ont leur propre devise : « Le poids des mots, le choc des photos ». Ça, mes amis, c'est de la devise!

Moi, ce que j'aime dans Paris Match, c'est qu'après s'y être plongé, on en ressort fondamentalement heureux. Oui, oui. Prenons le no 2986 (10 août 2006), par exemple. Eh bien, avant même d'ouvrir le magazine, on est déjà au courant que « Luca, un bel Italien, donne des ailes à Laure Manaudou ». C'est pas des belles nouvelles ça? Ça vous met pas de bonne humeur? Moi, tout de suite, j'ai en tête l'image d'un mec qui vient de couper les ailes du pigeon du coin, et qui, agenouillé, les offre dévotement à sa belle. Attendez, c'est hyper romantique tout ça!

Et ce n'est qu'un début! Parce qu'en ouvrant le fameux magazine, on tombe directement sur un article concernant le « camping bobo ». Michel Maffesoli, sociologue,

nous explique : « nous avons soif de l'infini, de voûte étoilée, d'animalité ». Ouf, c'est lourd de sagesse, je note, je note... Allez, on tourne la page. Berk, c'est qui ça? Ah, un clandestin échoué dans les Canaries. Dieu merci, ma mère m'a pas faite clandestine... La suite! Article sur le Liban. Bien contente de pas habiter là. Quoi d'autre? Ah, voilà qui devient plus intéressant : Manaudou nous explique sa métamorphose depuis qu'elle connaît Luca. Il a l'air de quoi, au juste, ce Luca? De ça??? Franchement, faut avoir de l'imagination pour tomber amoureuse d'un mec pareil... Pfff... de toute façon, je ne leur donne pas plus que 3 semaines... Au suivant! Le silence des Castro. On passe, trop de texte. Mel Gibson boit... Ha! Je le savais! On peut pas être une star d'Hollywood, père de 7 kids et catholique ultrafondamentaliste sans péter sa coche un jour ou l'autre... Bien fait pour lui!

Suivant! Ouahhh... Les folies des milliardaires sur la côte d'Azur. Là, ça

vaut la peine de lire. Les kids des riches – les Vrais, pas ceux de Westmount; eux, c'est du wannabisme grave – doivent sécher leurs billets de 500 euros après leur baignade en mer. Dur, dur d'être un p'tit riche. Comment se débarrasser de billets de 500 euros quand on en a trop? Facile, les lancer comme

confettis! Ah ben, j'y avais pas pensé. En vrac : Zodiac à 20 000 euros pour le petit qui chiale trop; un secrétaire pour vérifier que les boîtes de nuit chargent le bon nombre de bouteilles de champagne à 1000 euros; écran plasma de 10 mètres, mariage à 10 millions... Que lis-je? Madame achète toute la

boutique Versace sans même prendre le temps d'essayer, et ce, parce qu'elle est trop pressée!?! Non, là c'est trop, c'est inhumain, c'est anti-Charte! Si les joies profondes du shopping sont menacées, où va donc la vie des gens riches? C'est clair, ces riches souffrent affreusement de leur condition. Toutes les pages

du Paris Match sont remplies de gens qui souffrent. Le monde entier souffre. Tous sauf moi! C'est pas merveilleux, ça?

Merci Paris Match! Merci la Vie!

REQUIRED COURSES: GOLDMINE OR MINEFIELD?

by Prof. Geneviève Saumier, Associate Dean (Academic)

Now that the course change period is over and that you have finally determined what courses you will be taking this term, it is a good time to look back on some of the issues we all have to deal with during the course selection period. Today, I'd like to consider required courses and their particularities in terms of course selection and registration.

From its inception in 1999, the current law programme was designed to minimize requirements and favour flexibility. As a result, within the 105 credits, there are only 46 credits of designated obligatory courses, of which 29 credits must be taken in the first year, 10

in the second year and 7 at some other point during the programme. An additional 12 credits must be chosen among a list of courses and the writing requirement must be fulfilled.

En principe, la Faculté offre trois sections de chaque cours obligatoire; dans chaque cas, sauf pour Advanced Common Law Obligations et Common Law Property, une de ces sections est enseignée en français. Chaque étudiant a donc l'opportunité, si désirée, de suivre au moins 40 de ses 46 crédits obligatoires en français. De plus, dans la liste des cours complémentaires, 21 crédits sont enseignés en français cette année. Vous remar-

querez aussi que dans l'horaire, les cours complémentaires en français ne sont jamais enseignés en même temps. There are thus many ways to take advantage of the bilingual legal education unique to our Faculty.

Some students view programme requirements as obstacles rather than building blocks. While it might be obvious that a basic knowledge of contract law is essential for anybody undertaking a course in sale or restitution, some students realize too late that taking Criminal Law or JICP early on would open up possibilities in evidence, dispute resolution, etc. As for the second-year programme requirements,

these build on the first-year programme, with courses directed at third and fourth year students continuing this progression. Pre-requisites are the main way of signaling sequencing of courses and should help you ensure that your own programme is constructed on a solid foundation.

In terms of registration issues, we face many requests from students hoping to be admitted into sections of compulsory courses beyond the course cap. These caps are set based on the number of students who must take the course in a given year, the size of available classrooms in the designated time slot, the overall course load of

instructors involved and the objective of maintaining relatively equal group sizes in compulsory courses. We understand that many of you use your priority registration credits to select specific sections of compulsory courses, even if that means not getting into an attractive elective course until your final semester or year. Others have made different choices and must settle for whatever places remain in required courses. While exceptional cases may call for particular responses, our

main goal when faced with registration requests for compulsory courses is overall fairness and equitable treatment for all students in the programme. If increasing the cap seems like an easy solution, we are acutely aware that such an approach undermines the priority registration system and is prejudicial to those students who made difficult choices and compromises in setting up their course selection based on the information provided in the registration materials.

We are always looking for ways to facilitate access to compulsory courses; for example, in addition to the recent waitlist initiative, we are now looking at a uniform schedule for compulsory second-year courses, which could simplify scheduling and course selection for you and for us. We will also be exploring the option of making JICP a required second year course since this would streamline access. These issues will be discussed in Curriculum Committee over the

course of this year, and will go to Faculty Council if any suggested programme changes are involved. As you know, students have a voice and a vote in both of these forums.

In the meantime, if you have specific proposals or comments on these or other academic issues, your input is always appreciated. You can contact me, the Student Affairs Officer Nancy Czettel, Asst Dean Véronique Bélanger or one of your LSA officers.

QUENCH YOUR THIRST FOR ACADEMIC RELATED QUESTIONS!

by Anne Merminod (Law II and LSA VP Academic)

Chers étudiants,

As VP Academic of the Law Students Association, I am the link between the students and the Faculty on any academic matters. Je siège au Conseil de la Faculté, au Comité du Programme, au Comité des Examens et travaille en étroite collaboration avec les vices doyennes Bélanger et Saumier, les professeurs, les membres du Comité des Prix et Bourses ainsi qu'avec le Comité de Désignation du Personnel. Je suis également la personne en charge du programme de Jumelage des Law Partners.

Cette année, j'ai décidé que je ferai tout ce qui est en mon pouvoir pour vous informer de ce qui se passe au 4^{ème} étage et dans les coulisses de la Faculté. Je m'engage donc à écrire dans le Quid et dans le Notice Board pour vous consulter sur ce qui a trait aux questions académiques.

The Curriculum committee has to decide whether Judicial Institutions and Civil Procedure/Droit Judiciaire Privé should be a mandatory course in second year. If you have an opinion on the matter, please send me an email.

Please do not hesitate to contact me if you have any questions or concerns with respect to the curriculum, professors, or any other academic matter.

Anne Merminod

VP-Academic

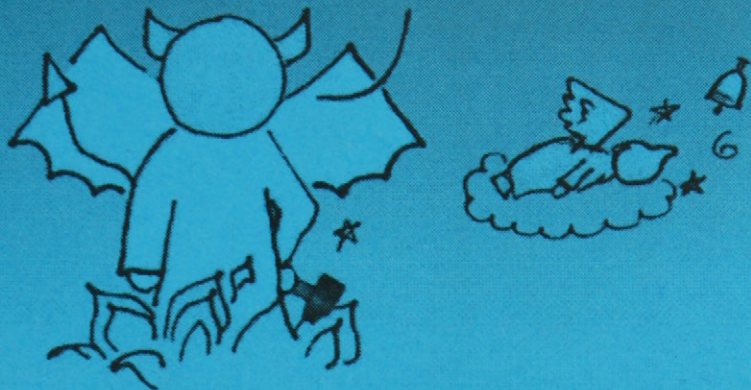
Law Student Association/ Association Étudiante de Droit

Vp-academic.lsa@elf.mcgill.ca

LES AVENTURES DU CAPITAINE CORPORATE AMERICA

par Laurence Bich-Carrière (Law III)

Je vous propose cinq trucs pour devenir un super-menteur...



Cassez quelque chose (un objet laid, un ego, un vase, une relation).
Pleurez aussi.

Jurez (Dieu-avec-majuscule ça pourrait être dangereux, essayez plutôt de sous-entendre Bacchus, les Elohims ou Wayne Gretzky).

Je te le jure sur le code-barre de dieu.

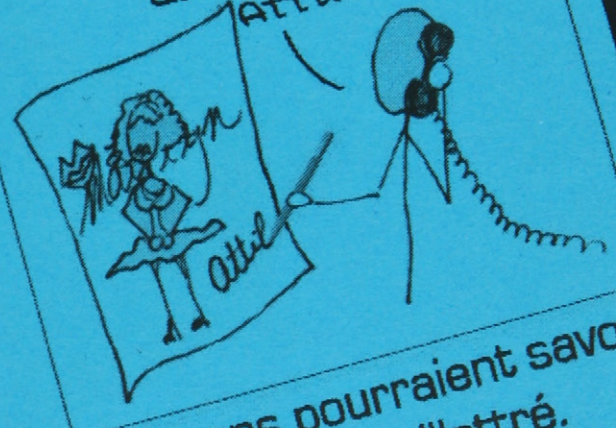
2.



3.

Évitez les mensonges de style:

J'ai un poster de Marilyn Monroe autographié par Attila le Hun!



Les gens pourraient savoir qu'il était illettré.

4.

Équarquillez les yeux (vous aurez l'air *cute*) et détachez vos mots.

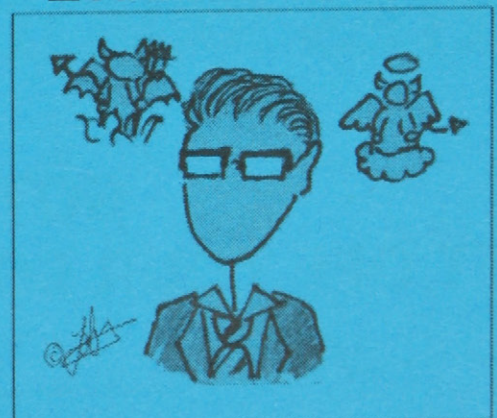
Je... trouve... que... Kevin... Federline... à... vraiment... beaucoup... de... classe...

C'est bon: je te crois



5.

Étudiez le droit.



Vous pourriez faire de l'argent, en plus.



**JICP OBLIGATOIRE EN DEUXIÈME ANNÉE?
FAITES SAVOIR CE QUE VOUS EN PENSEZ!**

**GOT SOMETHING TO SAY?
GET OFF YOUR SOAPBOX AND WRITE FOR THE QUID!**

Jour et heure de tombée: jeudi à 17h
quid.law@mcgill.ca